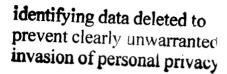
Office of Administrative Appeals MS 2090 Washington, DC 20529-2090





## **PUBLIC COPY**

Office: NEBRASKA SERVICE CENTER

Date:

JAN 08 2010

IN RE:

FILE:

Petitioner:

LIN 06 210 53214

Beneficiary:

PETITION:

Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced

Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration

and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

## **INSTRUCTIONS:**

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Nebraska Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will reject the appeal.

The petitioner seeks classification pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree. The petitioner is a research associate at the University of Cincinnati (Ohio) College of Medicine. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner has not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

As defined by the U.S. Citizenship and Immigration Services (USCIS) regulation at 8 C.F.R. § 103.3(a)(1)(iii)(B), "affected party" (in addition to USCIS) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition. An affected party may be represented by an attorney or representative in accordance with part 292 of this chapter.

8 C.F.R. § 1.1(f) defines the term "attorney" as any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law.

<sup>&</sup>lt;sup>1</sup> A searchable version of the directory is available online at http://iapps.courts.state.ny.us/attorney/AttorneySearch.

on May 1, 2009, the AAO provided with a facsimile of the correspondence described above, including a copy of the August 30, 2007 certificate of good standing. 2009 reply reads, in part: I was very surprised about this information. . . . I have to seriously confirm that I have never worked from the address: 1. . . The signatures on the G-28 dated on 8/8/2008 and the letter dated on April 13, 2009 from that [F] lushing address were not signed by me and are forgeries. The letter dated on April 13, 2009 from that Flushing address constitutes the unauthorized use of my personal information. ... I must declare that all the cases ... under my name from that Flushing address are involved in the fraudulent and unauthorized use of my signature. I have never represented any clients through the Flushing address. added that an "acquaintance" obtained a copy of his 2007 certificate of good standing under false pretenses, claiming that he wanted to show the certificate to potential clients. There is no credible evidence that the individual who signed the Form I-290B, Notice of Appeal, is in fact an attorney in good standing. Rather, we conclude that an unknown individual at impersonated in this proceeding and filed the appeal under false pretenses. An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee the Service has accepted will not be refunded. 8 C.F.R.  $\S 103.3(a)(2)(v)(A)(1)$ . Because the alleged attorney of record, who purportedly signed the appeal form, has disavowed any knowledge of proceedings arising from we cannot find that the appeal was properly filed by a qualified attorney or representative. We therefore reject the appeal as

**ORDER:** The appeal is rejected.

improperly filed.